

## WORK QUESTION BEFORE COUNCIL

Action Urged in Behalf of Some Six Hundred Idle Heads of Families.

THE JAP ISSUE IS RAISED CONTRACTORS WILLING TO GIVE CITIZENS PREFERENCE.

Communications from the Salt Lake Charity association and the Federation of Labor were received by the council last evening asking that some action be taken to give employment to the 600 or more heads of families in Salt Lake who are now said to be suffering for the actual necessities of life.

In explaining the communication from the Charity association Councilman W. Mont Ferry said:

"The conditions which confront us are serious. There are over 600 heads of families in the city who cannot secure employment and foreigners are being employed by the contractors on city work. I think that this work should be done by citizens. I am informed that certain Japs are doing excavation work for several in the southern part of the city for 15 cents a linear foot, all the way from ten to fourteen feet deep."

"But there is another side to the story," said Councilman Black. "A man with a family came to me Saturday for work. I sent him to Mr. O'Connor, who is in charge of the sewer work. He was given a job at \$2.25 a day and told if he was a good worker he would make \$2.50 or \$2.75. He worked two hours and came back to me and said he would not work with Japs."

Councilman Martin said that all contractors on city work would give citizens positions in preference to foreigners if they would do the work.

M. O'Connor, who represents J. P. Kennedy, sewer contractor, was called upon.

### Contractor's Explanation.

"I can put over 100 white men, citizens of this city, to work next Thursday or Friday, if they will apply to me," he said. "The trouble I have had is in getting white men to work. I have had to refuse to work in water, where the Japs will. Before Christmas I laid off all my Japs and was determined to hire only white men. In two days I had but forty of a crew of 120 which I started with, and as I could not get any more white men, I had to call back the Japs again."

Mr. O'Connor promised to appear before the committee on municipal laws next Thursday and explain matters more fully.

As to the assertion that the Japs are doing the excavation work at 15 cents a linear foot, City Engineer Kelsey explained that this was absurd, and Mr. O'Connor said that he had taken him all the way from \$1.75 to \$2.50 a day.

The Federation of Labor complaint was paid to it. It stated that all investigation had been made and that it had been found that the sewer contracts had been sublet to individuals, and by them sublet to individuals. The name of J. D. Hanley, a sewer contractor, was given as "the man who had sublet them."

Councilman Ferry, in explanation of his remarks stated that he fully realized the difficulty of the contractors in getting white men to work in sewer construction and admitted that he might have been misinformed in regard to the wages received by foreigners.

The matter will come up again in the committee meetings next Thursday evening.

## COURT DENIES NEW TRIAL

Ruling of Judge Marshall in Regard to Fellow Servant Law Given Further Emphasis.

Judge John A. Marshall in the United States court yesterday denied the motion for a new trial of Steve Lukic in his action against the Southern Pacific for \$50,000 damages. The case was brought to trial in the federal court about a month ago, but the court took it from the jury and ruled that the so-called fellow servant law is applicable to the action. The verdict was for the defendant.

Lukic was a laborer employed on the Luch cutoff in 1903. On August 18 of that year a construction train was run over the portion of track where Lukic was at work. In an effort to avoid the train, he stepped upon a portion of the uncompleted roadbed, which sank and he was thrown on one of the tracks and received a severely crushed leg. The allegation was that the company had failed to show lights and that it was the duty of the brakeman to place these lights.

The court held, in brief, that a laborer is a fellow servant of a brakeman, a ruling involving phases of the fellow servant law not heretofore passed upon. A motion for a new trial was made and yesterday was denied.

### METEOROLOGICAL REPORT.

Yesterday's Record at the Local Office of the Weather Bureau.

Maximum temperature, 27 degrees; minimum temperature, 26 degrees; mean temperature, 26 degrees, which is 2 degrees above normal; accumulation of temperature since the first of the month, 34 degrees; accumulated excess of temperature since Jan. 1, 84 degrees. Relative humidity, 82. Total precipitation from 6 p. m. to 6 p. m. 41 inches; accumulated deficiency of precipitation since the first of the month, 23 inches; accumulated deficiency of precipitation since Jan. 1, 25 inches.

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## CAPT. BURBRIDGE STANDS FIRM

By Refusing to Resign He Compels His Enemies to Force the Issue.

MACHINERY SET IN MOTION PITT SEEKS TAYLOR'S SCALP AS PRELIMINARY STEP.

The preliminary skirmish before the fight to be made to oust Captain J. B. Burbridge of the police department came before the council last evening when Chief Pitt's communication asking that James Taylor, a mounted patrolman, be discharged "for the good of the service." Taylor for the past two years has been a thorn in the side of the "persuaders" because of the opposition to him in certain quarters. Like Burbridge he has aroused the enmity of the "persuaders" because of the fact that he has so-called "Mormon tendencies."

When the communication was read Councilman Martin moved that action be postponed one week.

Councilman Stewart, chairman of the police committee, opposed this motion, stating that Chief Pitt wants Taylor to quit on Feb. 1, and that this would be impossible should action be delayed.

Councilman Fernstrom joined with Mr. Martin in the request for delay and President Davis so ordered, despite strenuous objections from Stewart.

To make his effort to oust Taylor secure, Chief Pitt sent to the council the communication asking that the council fill the vacancy caused by his removal. As this was somewhat premature, action on the communication was also postponed.

### An Entering Wedge.

Burbridge and Taylor are in the same class, as far as the council is concerned. The other must go. Some of the councilmen who are friendly to Burbridge would just as soon see Taylor ousted, but they dare not vote to that effect for fear that once their hold is broken Burbridge will meet the same fate.

Wardlaw Martin is one of these and for that reason he asked that the Taylor matter be continued.

President Davis of the council is also a warm friend of Captain Burbridge. His ruling last evening in ordering the Taylor matter laid over for one week was considered somewhat arbitrary.

Strenuous efforts are being made by the "persuaders" to bring Davis and Martin into line with the majority. They are the minority of six will stand by these men and with two American votes can control the council.

Mayor Bransford is still reticent about his request that Burbridge resign. He admitted that he has talked the matter over with the captain, but that as yet no definite conclusion has been arrived at.

### Burbridge Stands Pat.

Captain John B. Burbridge said yesterday to the chief of police until it was demanded.

"I have waited for those who have been attacking me to make some specific charge against me in order that I might be able to reply to the attacks, but no such charge has been made. I feel that the attacks have been unjust, not because I am by any means perfect, but because I have always tried to do my duty as I have seen it. If I have made mistakes I have been honest in admitting them and not because I have tried to do anything other than my duty."

"In justice to my friends who have been kind enough to say a good word for me and to myself, I feel that I should not resign until forced to do so. I cannot understand what motive prompted this attack unless it was that through me the instigators of the opposition to me hoped to reach some end, and I feel that I should remain in the department until removed, and let the responsibility rest where it is in the rest upon those who see fit to take that step."

To remove Captain Burbridge from the police department requires a majority vote of the city council. It is understood that Councilman Martin of the "persuaders" and "American" members will vote with the minority against the captain's removal.

### NEW SEMESTER OPENS.

Pupils of the High school began active work yesterday upon the second semester. The past week has been a strenuous one for all classes, and the pupils were required to pass them to continue their work.

Monday's registration to the freshmen class was very small as only ninety-three signed up. Owing to the large number that had signed up for the first semester, many more are expected to register tomorrow.

In the afternoon the upper class men took their pupils in hand and gave a most enjoyable program. An exhibition drill and band concert as well as a basketball game were the features.

### MEDICAL MEN BANQUET.

Series of Technical Papers Are Read and Discussed.

The physicians of the Salt Lake County Medical society and the members of the Utah Medical society from district No. 1 had a joint meeting at the Commercial club last evening, followed by a banquet. Dr. Phil Jones presided at the meeting, followed by a banquet at which papers on technical subjects were read by Drs. Hosmer, Ewing, Middleton and Hampton. Following the banquet Dr. H. V. Mayo presided at the discussion of the papers.

### SEEK FRED HOTCHKISS—Members of the Brotherhood of Locomotive Firemen and Engineers are making an effort to find Fred Hotchkiss, who is supposed to be living in Salt Lake. The officers of the brotherhood last night received a telegram from C. H. Hotchkiss of Coffeyville, Kan., stating that Fred Hotchkiss had been hurt on Jan. 18 at Ashland, Ore., and that his foot had been amputated. The brotherhood was asked to look up Fred Hotchkiss here.

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Elks' Third annual excursion to California, Feb. 8. For information, tickets and reservations, see A. W. Raybould, secretary, 'phones 47, Elks' club, Salt Lake.

## GEORGE CRISMON, PATHFINDER AND PIONEER, DIES AT ADVANCED AGE

George Crismon, a pioneer, not only of Utah, but as well of southern California, died yesterday forenoon at his home in Sugar House ward, at 1:30 o'clock. Death was due to complications following a severe cold; paralysis came at 2 o'clock yesterday morning and decline was rapid. He was 75 years old.

The life of George Crismon was full of history-making. He was the son of Charles and Mary Hill Crismon and was born in Scott county, Illinois, in 1833. He came to Salt Lake with his parents in 1847 and, with his father, erected the first flour mill in City creek canyon. From Salt Lake he went to San Bernardino, Cal., in 1849, where he married Miss Mary Tanner in 1856.

As was the case in Utah, Mr. Crismon again built the first grist mill in southern California. He returned to Salt Lake City in 1858, and had resided here since that time.

Perhaps no man in all the west was more thoroughly familiar with the trail between Salt Lake and Los Angeles. A score of times he passed over the pony trail with his cavalcade or unfettered with trailing animals. When the Salt Lake Route was built Mr. Crismon's notes were found to be invaluable to the engineers, for they showed the location of every watering place in the terrible desert, and contained much other essential information.

The time of the building of the Union Pacific Mr. Crismon was in the employ of Mr. Weller, had a large contract on that line, and they built practically all of the route of the Short Line. Besides being a pioneer of Utah, he had interests in Arizona, and in 1860 he was present when the town of Denver was founded.

Mr. Crismon was five times collector for Salt Lake county. He was heavily engaged in mining enterprises and was at one time one of the owners of the Mammoth. He was a wealthy man. At the time of his death he was president of Granite state.

Mr. Crismon leaves a large family of children and grandchildren. His children are: Mrs. D. S. Spencer, Mrs. George W. Thatcher, Jr., Sidney Charles Crismon, Frank W. Crismon, Arthur Owen Crismon, Herbert F. Crismon, Leo F. Crismon, Kenneth A. Crismon, Beatrice Thomsen, Alice Crismon and Mrs. Joshua Selley.

The announcement of the funeral will be made later.

## ALABAMA SHERIFF SAYS MURDER WAS CAUSED BY DISPUTE OVER A DOLLAR

Another and a darker story of the crime of which Walter Simms, now in the city jail, is accused, was told last night by Sheriff John L. Staples of Jackson county, Alabama, who is here to take Simms back to the south to stand trial for the murder of Richard Smith, postmaster and storekeeper at Eliza, Ala.

Sheriff Staples declares that the killing of Smith grew out of a dispute over a sum of money amounting to little more than a dollar.

According to the Alabama sheriff Simms claimed that Smith owed him money. The storekeeper admitted that there was a sum of money due him, but that he could not agree upon the exact amount. The dispute involved a sum between \$1 and \$2.

On Jan. 15, 1907, Sheriff Staples says, Simms called at Smith's house. After a quarrel Simms went away, returning a short time later with the matter over which the dispute had arisen. Simms found Smith sitting at a fire, surrounded by his children.

He claims that the young man shot the storekeeper while Smith was not expecting danger and was unprepared. The charge from the shotgun almost tore the head of the man into the fire, from which it was dragged by Mrs. Smith, who had heard the shot and rushed to her husband's assistance.

Sheriff Staples says that a short time before the murder Smith went into a law, who had died. In the store he met the young Simms, who, referring to the dispute over the money, remarked that Smith had better buy his own coffin.

The sheriff is accompanied on the trip to Salt Lake by Deputy Sheriff J. M. Skelton.

Those who became acquainted with Simms while he was living in Salt Lake under the name of John Lark are unwilling to believe that he could have committed the cold-blooded murder described by Sheriff Staples.

## FRANKIE RUSSELL APPEARS AT POLICE HEADQUARTERS AND DEMANDS PIE

Frankie Russell's appetite caused him to visit police headquarters again last night. Frankie is 5 years old. His mother is proprietress of the Warwick rooming house in East Salt Lake. He has been in the city for some time, and after filling him with peanuts and candy, took him to police headquarters, where the matron at the jail spread a repast for the little wanderer. The experience pleased Frankie.

A few days later he was found outside of police headquarters, and as he seemed to be without friends, the police matron, thinking that he was hungry, again spread a meal for Frankie. He pushed the food aside and said:

"I want soup," said he.

## SALT LAKE RUNAWAY IN LOS ANGELES HAS NO RELATIVES TO RECLAIM HIM

Alonso McFarland, or Albert McFarland, as he prefers to be called, 15 years old, a Salt Lake boy who is now in the hands of the Los Angeles police, occupies a peculiar and pitiful situation. He is without friends, and took him to police headquarters, where the matron at the jail spread a repast for the little wanderer. The experience pleased Frankie.

A few days later he was found outside of police headquarters, and as he seemed to be without friends, the police matron, thinking that he was hungry, again spread a meal for Frankie. He pushed the food aside and said:

"I want soup," said he.

### Card of Thanks.

In behalf of myself and the family, I wish to convey to our friends our heartfelt appreciation for all their kindness in our late bereavement.

JOHN A. KIRBY.

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### Elks'

Third annual excursion to California, Feb. 8. For information, tickets and reservations, see A. W. Raybould, secretary, 'phones 47, Elks' club, Salt Lake.

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The unusual offer made by F. C. Schramm to refund the purchase price of Hyomel to any person it fails to benefit, shows his confidence in the remedy, and should dispel all doubts as to its curative powers. You do not risk a cent in testing the healing virtues of Hyomel, for F. C. Schramm takes all the risk of its giving satisfaction and leaves you to be the judge as to whether it costs you anything or not.

There is no dangerous stomach druging when Hyomel is used. Breathed through the neat pocket inhaler that comes with every \$1.00 outfit, its healing balsams destroy all germs even in the most remote air cells and quick recovery follows.

If you suffer from offensive breath, raising of mucous, sneezing fits, husky voice, discharge from the nose, dropping from the throat, or any other catarrhal symptoms, begin the use of Hyomel.

## MINER RELATES TALE OF TERROR

P. J. Brown Tells of Forty-Six Days Spent in Depths at Ely.

JOY FOLLOWS SUFFERING HOW PRISONERS SPENT THE LONG DAYS.

P. J. Brown, one of the three men who were imprisoned for forty-six days 1,000 feet underground in the Groux shaft at Ely, came to Salt Lake last night from Ely. He gives a graphic account of the forty-six anxious days and nights that were passed by him and his fellow prisoners while waiting for their rescuers.

"We were working 1,007 feet underground when the cave-in came," said Brown. "I was working in one compartment, McDonald and Constanti in the next one, and Turner in the third. I hardly know what happened first, everything was done so quickly. There was a loud roaring sound, and the lights went out in a second.

"I shouted to the boys to climb, and started up the timbering at the corner of the shaft, feeling all the time for the ladder. I climbed about ten feet before I found the ladder. Then I went up the other eighty-seven feet as fast as I could. Before I reached the top I was stepping on dirt and knew that the shaft was fast filling in. I had not been up to the station on the 1,000-foot level more than two minutes when the dirt filled in above the station.

"Just as I reached the top of the ladder I brushed against a man. I asked him who it was, and he replied, 'McDonald.' I asked if either of the others had come up, and he said he thought not. I knew then that they never would come out of the shaft alive. As we went into the pump station, Bailey, the pumpman at the station, was leaving the telephone booth. When the cave-in came he tried to telephone out, but the cave had broken the telephone wires.

### First Glimpse of Prison.

"Bailey found a candle and we lit it and we looked around. The dirt from the cave-in by that time had blocked the entrance from the shaft to the station and had slid in ten feet into the chamber. The heat of the place was insufferable. It must have been about 105 degrees. After we had rested a few moments and felt able, we unscrewed the pipe for the water column from the pump. It took up about an hour to do this. Then we took turns rapping on the pipe with a wrench. From 10:30 o'clock in the morning until 5:30 in the afternoon we kept on rapping on the pipe before we heard anything from the surface. We were almost ready to give up in despair, when we heard them yelling down to us. We thought that the cave had broken the pipe and we were down to a slow and terrible death in the little chamber.

"Right after we heard the men on the surface yelling to us a can of water attached to a rope came down. We heard it rattling in the pipe, and reached the joint with an eight-foot hanger and secured it. Then a note came from the electrician telling us to attach the broken telephone wires to the wires on the electric cable, which were not broken.

### Makeshifts for Comfort.

Within a few moments we were talking over the telephone. Within half an hour food and candles had been sent down to us and air was being pumped down the pipe which cooled the chamber and restored our courage.

"For the first few nights we didn't sleep at all, but just huddled round our candles and dreaded every sound. After that we began to make the best of it. We knew that we would have to remain there for probably a long time and the thing we wanted to do was to make the best of it. We took turns staying up at night in order that we could telephone to the surface if anything went wrong with the air or the cave-in became worse.

### Fears Ever Present.

"If it had not been for the thought that they might be our last, that the top of the station might cave in, that the air pipe might break or something else happen, we would have had a royal time. The boys above sent us down everything we wanted. All the choice delicacies were ours. We got smoking tobacco, wine and everything that could go down the pipe.

"Our health was fine, except that at McDermid's camp, he had a bilious headache and felt pretty bad. I got up and lit our stove and heated some water. We had some towels and Bailey applied them to his head till he was all right.

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\$3,000—15 acres southeast, well fenced, all in crops. Good five-room house, 2 cellars, granary, fine well, water right, chicken coops and incubators, stable, outbuildings. Fruit and shade trees.

\$2,500—Davis county, 1/2 acre, 30 fine fruit trees, independent water. Lots of small fruit, 6-room brick house, fine barn. A good living has been made out of this place for years and it is better than it ever was right now.

\$3,250—Twenty acres, southeast, splendid orchard, 1,000 bearing fruit trees of the best variety for ready market, four-room house, eight acres in lucern. If you buy this place now you can make a couple of thousand dollars on it within the next two years.

\$5,000—Nine acres in Centerville. A fine rich place. Good six-room brick house, granary, barn and sheds. The soil on this place is as black as coal. The owner has been making more than his living here for years and the market is increasing every day.

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HOUTZ CONTRACTS TO BE INVALID

Houtz Has Action Against the Union Pacific Despite Agreement, Says Supreme Court.

The supreme court yesterday reversed the judgment of the lower court in the case of John S. Houtz against the Union Pacific Railway company. The action was brought by Houtz for injury to sheep while the company was transporting them from Soda Springs, Ida., to Omaha, Neb. It was alleged that the animals were held in cars at Schuyler, Neb., for seventy-two hours, and not fed or watered during that time. The plaintiff demanded \$1,226 for shrinkage in weight, and \$934 because of the drop in the market price during the time the sheep were on the sidetrack. The lower court held that because Houtz did not present his claim within ten days after the occurrence to the company, as specified in the shipping contract, he could not recover. This judgment was reversed by the supreme court, which holds that Houtz was not obliged to present his claim in ten days, and that contracts of that character are against public policy. The case is remanded to the trial court for a new trial.

The opinion was written by Justice Straup, and the other justices concurred.

## LOCAL BRIEFS

**BENEDICT IN LOGAN.**—R. E. Benedict, chief inspector of national forest district No. 4, went to Logan yesterday.

**SHERIFF'S HOME QUARANTINED.**—Sheriff Emery's house, adjoining the county jail, is under quarantine. The sheriff's little daughter, Jessie, has scarlet fever.

**GOES TO POCHE.**—Inspector T. J. Longley of the immigration service, has gone to Pocatello, Idaho, to investigate alleged infraction of the immigration law.

**GVERNOR IS INVITED.**—Governor Cutler yesterday accepted an invitation to deliver an address at the annual banquet of the Interstate Club at Chattanooga, Tenn., June 5.

**PETITION IN BANKRUPTCY.**—A petition in bankruptcy was filed yesterday in the United States court by Thomas A. Horne of Salt Lake, who gives his occupation as that of a dry goods clerk. His liabilities are \$470.52 and his assets \$5, which he claims are exempt.

**CHEYENNE'S MAJOR SEES SIGHTS.**—Major George A. Cheyenne, who accompanied by City Engineer Corliss, called on Mayor Bransford yesterday. Later the officials, accompanied by City Engineer Kelsey, made a tour of the improvements in Salt Lake, special attention being paid to the waterworks system.

**RETURN FROM OREGON.**—A. S. Fowler, private secretary of Mayor Bransford, returned yesterday from Portland, Ore., where he attended the annual convention of the Brotherhood of Ows. Mr. Fowler also visited Spokane, Seattle and San Francisco. He was absent two weeks.

**ASKS FOR LETTERS.**—Isaac Smith yesterday petitioned the district court for letters of administration for the estate of his brother, Isaac Smith, who died Oct. 26, 1907. The estate is valued at \$7,550.40 and consists entirely of mining stock. There are nine surviving heirs and sisters who live in Rich county and in Bear River, Ida.

**TO VISIT REDUCTION WORKS.**—The senior classes in mining engineering at the university will spend today at Garfield inspecting the large ore reducing plants. They will visit the Garfield smelter, the Utah Copper and the Boston Consolidated concentrating mills. Professor G. Overstrom will accompany the seniors.

**FAILURE TO SUPPORT.**—Samuel W. Williams has not supported his wife for eight years and she has had to work as a servant in order to provide herself with the common necessities of life. Mrs. Elma Williams yesterday filed a divorce complaint in the district court making these charges against him and in a statement in which he accuses him of service he acknowledges the truth of her allegations. They were married in 1886.

**DETERMINED ON MATRIMONY.**—Unable apparently to appreciate single blessings, Henry Nink yesterday secured a license to wed Nellie Anderson. Last Friday Henry appeared before Judge Morse at the weekly divorce machine and secured a decree of divorce from Eva Nink, his first wife. He said that Eva was a violent drunkard and told all about her alleged bad habits.

**HEARING IN MINING CASE.**—In the United States court yesterday the case of Mary K. Stevenson against the Grand Central Mining company was argued. The testimony in the case was taken before a master in chancery some time ago. The suit is one to establish title to an interest in the property. The arguments will probably not be concluded until late this afternoon.

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Each apple wrapped separately and each one guaranteed wormless and perfectly sound.

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